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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,819	06/26/2003	Nicholas Paluzzi	EMC2-142PUS	5516
45456	7590	03/02/2006	EXAMINER	
RICHARD M. SHARKANSKY			MYERS, PAUL R	
PO BOX 557			ART UNIT	
MASHPEE, MA 02649			PAPER NUMBER	

2112

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/606,819	Applicant(s) PALUZZI ET AL.	
	Examiner Paul R. Myers	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/14/05 have been fully considered but they are not persuasive.

In regards to applicants argument that Kobayashi does not teach the arbiter granting access to the bus in response to whether one of the requesting clients experienced an address retry condition during its previous bus access, and if so, granting such one of the requesting clients access to the bus at the earliest opportunity. Kobayashi teaches that once the requesting client has experienced an excessive address retry (which could only have happened during its previous bus access, since it would not have gotten a retry had it not had bus access) all other transactions are suppressed thus at the earliest opportunity after the retry equals this count it is given access. The claim language does not state that the address retry is its first address retry or that it is on all, each, or every address retry only that it is an address retry. Also even if the claim language did state that the address retry was the first address retry, Kobayashi et al teaches that the excessive count is a predetermined number of address retries and that the range for that number is chosen "such that it is smaller than a count that would result in system shutdown" (Column 6 lines 29-37). Thus the range is 0 to < shutdown. When the value 1 is chosen as the predetermined number then Kobayashi et al's system grants the requesting client access to the bus at the earliest opportunity after every retry. Not just at the earliest opportunity after a retry.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al
PN 6,691,191.

In regards to claims 3, 4: Kobayashi teaches a system (Figure 1) comprising: a bus (6); a plurality of clients (2-1 to 2-N) coupled to the bus (6); a memory (3) coupled to the bus (6) and shared by the plurality of clients (2-1 to 2-N); a bus arbiter (5) coupled to the bus (6) granting access (Column 2 lines 29-34) to the bus (6) to the clients (2-1 to 2-N) responsive to an “address retry” (Column 1 lines 56-62) conditions on the bus (6) by such clients (2-1 to 2-N). Kobayashi teaches granting priority to the client that has had excessive retries.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PN 6,009,482 to Robertson teaches a system comprising: a bus; a plurality of clients coupled to the bus; a memory coupled to the bus and shared by the plurality of clients; a bus

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arbiter coupled to the bus granting access to the bus (6) to the clients responsive to an “address retry” conditions on the bus by such clients.

PN 5,471,590 to Melo et al teaches granting priority to the device that is retried.

PN 5,067,071 to Schanin et al teaches granting priority to the device that is retried.

PN 5,644,733 to Kalish et al teaches granting priority to the device that is retried.

Additional references are cited that teach granting priority to requesters that are retried.

PN 5,890,217 to Kabemoto et al teaches a bus arbiter that reserves subsequent bus use to the requester that was denied access on this time.

PN 4,494,192 to Lew et al teaches granting access to a device to a requester at the earliest opportunity after it has found that the device is busy.

PN 6,073,199 to Cohen et al teaches an arbiter that uses the history of the requesters including retries to determine who to grant access to the resource.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 571 272 3639. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PRM
February 23, 2006

PAUL R. MYERS
PRIMARY EXAMINER